

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:24-MJ-229
)	
TIMOTHY JAMES BALL,)	<u>UNDER SEAL</u>
)	
<i>Defendant.</i>)	
_____)	

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND AN ARREST WARRANT**

I, Samantha Fisher, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I submit this affidavit in support of a criminal complaint and arrest warrant charging TIMOTHY JAMES BALL ("BALL"), of Charlottesville, Virginia, with knowing transportation of child pornography, in violation of Title 18, U.S. Code, § 2252(a)(1) and (b)(1). For the reasons set forth below, I submit that there is probable cause to believe that on or about December 3, 2023, BALL knowingly transported visual depictions of minors engaging in sexually explicit conduct from a foreign country into the Eastern District of Virginia.

2. I am a Special Agent with Homeland Security Investigations (HSI) and have been so employed since February 2022. I am currently assigned to the HSI Office of the Special Agent in Charge, Washington, D.C. ("HSI DC"), Child Exploitation Group. I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal distribution, receipt, transportation, possession, and access with intent to view of child pornography, in violation of 18 U.S.C. § 2252. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review

numerous examples of child pornography, as defined in 18 U.S.C. § 2256(8), including computer media. Through my experience and training, I can identify child pornography when I see it. I have training and experience in the enforcement of the laws of the United States, including the preparation, presentation, and service of subpoenas, affidavits, search warrants, and arrest warrants. As a federal agent, I am authorized to investigate violations of laws of the United States and, as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

3. The statements contained in this affidavit are based in part on information provided by U.S. federal law enforcement agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by law enforcement agents/analysts and computer forensic professionals; and my experience, training, and background as a Special Agent. This affidavit is intended to show simply that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

STATUTORY AUTHORITY AND DEFINITIONS

4. I know that Title 18, U.S. Code, Section 2252(a)(1) and (b)(1) prohibits any person from knowingly transporting or shipping using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

5. I also know that the term “minor,” as defined in 18 U.S.C. § 2256(1), means any person under the age of 18 years.

6. The term “sexually explicit conduct,” I know, is defined in 18 U.S.C. § 2256(2)(A)(i)–(v), as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

7. I know that the term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. Moreover, I know that the term “child pornography,” as defined in 18 U.S.C. § 2256(8), is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

SUMMARY OF PROBABLE CAUSE

9. HSI initiated its investigation into BALL in December 2023, when he entered the United States at Dulles International Airport (Dulles) carrying with him a cell phone and other electronics that were subsequently found to contain images and videos depicting child pornography as well as other evidence tending to show BALL's sexual interest in children.

A. HSI's Interaction with BALL at Dulles on December 3, 2023

10. On December 3, 2023, at approximately 4:28 pm, BALL arrived at Dulles on Scandinavian Airlines flight SK925 traveling from Copenhagen Airport to Dulles. Upon arrival, BALL was referred to U.S. Customs and Border Protection (CBP) secondary inspection.

11. Pursuant to their border search authority, CBP officers escorted BALL into the CBP secondary inspection area to search BALL's baggage and person for contraband. CBP officers located multiple electronic devices in BALL's luggage and also on his person, including:

- a. Apple MacBook Pro laptop, Model# A2780, S/N VRXNK27F6M;
- b. Apple MacBook Air laptop, Model# A1466, S/N C1MR51UUG943;
- c. Apple iPhone 14 Pro, Model# NPXT3LL/A, S/N VM2JN50WHK, IMEI# 356240874908215;
- d. Huawei Cellphone, Model# CLT-L29;
- e. Apple MacBook Pro laptop, S/N YYHKVP6V5T; and
- f. Sandisk Memory Card.

12. During the inspection, BALL was notified that his electronic devices were going to be inspected and he agreed to provide CBP officers with the passcodes.

13. CBP officers performed a manual search of the Apple MacBook Pro laptop, model #A2780, and did not observe any contraband material. BALL stated this laptop was his work

laptop. A label stating the name of his employer was found on the bottom of the laptop. The second Apple MacBook Pro laptop (S/N YYHKVP6V5T) had a broken screen and was not inspected. The Huawei cell phone was not examined at the time, either.

14. CBP performed a manual search of the Apple MacBook Air laptop, model #A1466, and observed suspected child pornography in the downloads folder of the laptop.

15. CBP also performed a manual search of the Apple iPhone 14 Pro (S/N VM2JN50WHK) and observed images and videos depicting suspected child pornography in the Photos application.

16. Upon further inspection of BALL's luggage, CBP identified suspected controlled substances, including 111.4 grams of suspected THC products, and nine suspected Xanax pills weighing 2 grams. CBP contacted the HSI DC for further investigation.

17. Because at least two of BALL's electronic devices contained contraband (*i.e.*, child pornography) all of his electronic devices were detained, and the controlled substances were seized. HSI agents transported the electronic devices to the HSI DC office in Reston, Virginia for further examination.

B. Subsequent Digital Forensic Examination of BALL's Electronic Devices

18. On or about December 4, 2023, an HSI Computer Forensic Agent (CFA) completed an extended border search forensic extraction of the Apple iPhone 14 Pro and the Apple MacBook Air laptop. I reviewed the forensic extraction of the Apple iPhone 14 Pro and observed visual depictions of minors engaged in sexually explicit conduct. Subsequently, on December 29, 2023, I obtained a search warrant to search of all of BALL's electronic devices that he brought into Dulles.

Child Pornography in BALL's Apple iPhone 14 Pro

19. Forensic review of BALL's Apple iPhone 14 Pro revealed multiple images and videos depicting child pornography in the Photos application. For example, I observed the following visual depictions of minors engaged in sexually explicit conduct:

- a. A video depicting an adult male use his penis to penetrate the anus of a minor boy;
- b. A video that depicted an adult man lick the penis of a prepubescent boy;
- c. A video that depicted a minor boy perform oral sex on an adult man; and
- d. A picture that depicted the tip of a penis in front of a computer. The computer displayed a picture of a minor boy whose mouth was around the penis of an adult man. Metadata for this photo shows that the photo was captured with an iPhone 11 Pro on November 1, 2021. The copy of the photo on the Apple iPhone 14 Pro was created there on October 17, 2023.

20. In addition to these files, I observed more than 2,000 other images and videos depicting child pornography in BALL's Apple iPhone 14 Pro. These files were stored in various locations and applications on the phone.

21. Forensic review of this Apple iPhone 14 Pro is ongoing.

BALL's Chats with a Suspected Minor

22. In my review of BALL's Apple iPhone 14 Pro, I also discovered iMessages between BALL and an individual saved in BALL's contacts as [Minor 1].¹ BALL's first message

¹ The actual name and phone number of the contact entry are known to law enforcement but redacted here to protect the privacy of an individual suspected to be a minor at the time of the communications. My investigation revealed that Minor 1 was 17 years old when he chatted with BALL.

to Minor 1 was, “Hey hey from Grindr[.]”² The conversation between BALL and Minor 1 immediately turned sexual; they discussed genitalia size and meeting to engage in sex. As depicted in the excerpt below, Minor 1 told BALL that he could not drive yet:

From	To	Message	Time/Date
Minor 1	BALL	What kind of car do you have	11/15/2022, 3:56:12 AM
BALL	Minor 1	You can’t figure out a way to just be gone for a few hours on a weekend or an evening or something?	11/15/2022, 3:56:18 AM
Minor 1	BALL	No and plus I can’t drive yet	11/15/2022, 3:56:38 AM
BALL	Minor 1	Well I could pick you up	11/15/2022, 3:56:46 AM
Minor 1	BALL	My parents are really strict so they would get suspicious	11/15/2022, 3:57:15 AM

23. During their chats, which spanned from November 15, 2022 to November 28, 2022, Minor 1 sent BALL media attachments, however not all of the attachments are visible in BALL’s cell phone. On one occasion, Minor 1 sent BALL an image file and BALL replied, “Mmm love that dick.” During their chats, BALL also sent Minor 1 photos of his penis.

Additional evidence of BALL’s sexual interest in children

24. I observed a photo in BALL’s Apple iPhone 14 Pro that depicted BALL at a playground with his penis exposed. The metadata for this photo shows that it was captured on October 17, 2023, at 7:05:46 PM, with an iPhone 11 Pro from latitude 38.0421305555556 and longitude -78.4652944444445. The latitude and longitude resolve to the property of Northeast Park in Charlottesville, Virginia.

² According to its website, Grindr is the world’s largest social networking application for gay, bi, trans, and queer people.

25. I also observed a note in the Notes application on BALL's Apple iPhone 14 Pro (depicted below), in which BALL described his "insatiable attraction to prepubescent boys" and his search for his next victim.

Cotton gloves
Small condoms
Cigs
Cheetos
Floss

What's up guys Tim 42 Virginia

Entire life revolves around my insatiable attraction to prepubescent boys and i live every moment of every day in search of my next victim.

I'm the kind of man that parents warn their children about. I get dirty looks a little League games or swim meets from parents who can see clearly why I'm there, I follow boys into public restrooms, i corner them when we're alone in a changing room at the pool, and take pictures of them when they're in the fitting room next to me at the store. I know which families in my neighborhood have young sons and which of their bedrooms are on the ground floor.

I want to hear from other pedophiles for whom this is NOT just a fantasy or a "kink." It's an orientation, a way of life. So send me a msg, please, any other child molesters, sex offenders, kiddie rapists. If you too are a danger, a predator lurking in plain sight, but no one would ever guess, let's talk.

Forensic artifacts show that the note was created on November 14, 2022.

26. Forensic examination of BALL's other electronic devices is ongoing; however to date, BALL's Huawei cellphone and the Apple MacBook Pro laptop with the broken screen (S/N YYHKVP6V5T) have been found to contain child pornography. For example, the Apple MacBook Pro laptop contained an image that depicted an adult male with his penis inserted into the anus of a prepubescent minor male. In addition, BALL's Huawei cell phone contained an image depicting two minor males, one with his penis inserted into the anus of the other minor male.

CONCLUSION

27. Based on the foregoing, I submit that there is probable cause to believe that on or about December 3, 2023, TIMOTHY JAMES BALL knowingly transported visual depictions of minors engaging in sexually explicit conduct from a foreign country into the Eastern District of Virginia, in violation of 18 U.S.C. § 2252(a)(1) and (b)(1). I, therefore, respectfully request that a criminal complaint and arrest warrant be issued for BALL.

Respectfully submitted,

SAMANTHA J FISHER
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SAMANTHA J FISHER
Date: 2024.06.13
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Samantha Fisher, Special Agent
Homeland Security Investigation

Subscribed and sworn to in accordance with Fed. R. Crim P. 4.1 by telephone
on June 14, 2024:

William E. Fitzpatrick
The Honorable William E. Fitzpatrick
United States Magistrate Judge
Alexandria, Virginia